Sequence RECEIVED 1641 WD

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| CERTIFICATE OF MAILING | | | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. | | | |
| **Typed or Printed Name** | Mathew Otts | | |
| **Signature** | | **Date** | January 19, 2001 |

# NON FEE TRANSMITTAL

*Note: Effective October 1, 1998.*
*Patent fees are subject to annual revision.*

OIPE JC01444 JAN 23 2001 PATENT & TRADEMARK OFFICE

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| **Customer Number** | **24353** |
| Attorney Docket | GRUE-003 |
| First Named Inventor | Bujard |
| Application Number | 09/269,874 |
| Filing Date | August 2, 1999 |
| Group Art Unit | 1641 |
| Examiner Name | J. Grun |
| Title | Recombinants Process for Preparing a Complete Malaria Antigen, GP190/MSP1 |

Enclosed are the following documents:

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1) Response to Restriction Requirement and Notice to Comply and Preliminary Amendment (3 pages)
2) Copy of Notice to Comply
3) Sequence Listing (diskette and hard copy, 8 pages)
4) Return Postcard

## CLAIMS

| No. of claims as filed or after amendment | | | Most claims previously paid | | Extra claims | | Fee from below | | Fee Due |
|---|---|---|---|---|---|---|---|---|---|
| Total claims | 41 | - | 20 | = | 00 | x | -- | = | |
| Ind. claims | 04 | - | 3 | = | 00 | x | -- | = | |
| Multiple Dependent claims | | | | | | x | | = | |

| Large Fee Code | Entity Fee ($) | Small Fee Code | Entity Fee ($) | Fee Description |
|---|---|---|---|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim |
| 109 | 80 | 209 | 40 | Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | Reissue claims in excess of and over original patent |

| SUBMITTED BY | | | | Complete (if applicable) | |
|---|---|---|---|---|---|
| Typed or Printed Name | Paula A. Borden, BOZICEVIC, FIELD & FRANCIS LLP | | | Reg. Number | 42,344 |
| Signature | | Date | Jan. 19, 2001 | Deposit Account | 50-0815 |

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| **Typed or Printed Name** | Mathew Otts | | |
| **Signature** | | **Date** | January 19, 2001 |

| | | |
|---|---|---|
| **RESPONSE TO RESTRICTION REQUIREMENT AND NOTICE TO COMPLY AND PRELIMINARY AMENDMENT** | Attorney Docket | GRUE-003 |
| | First Named Inventor | Bujard |
| | Application Number | 09/269,874 |
| | Filing Date | August 2, 1999 |
| | Group Art Unit | 1641 |
| Address to: Assistant Commissioner for Patents Washington, D.C. 20231 | Examiner Name | J. Grun |
| | Title | Recombinants Process for Preparing a Complete Malaria Antigen, GP190/MSP1 |



Sir:

This is in response to the Office Action dated December 19, 2000, which set a one-month period for response, making this response due on or before January 19, 2001. Accordingly, this response is timely filed..

Restriction Requirement

In the Office Action dated December 19, 2000, the Examiner required election of one of the following groups of claims:

Group I, including claims 42-49 and 53-57, directed to a method of producing a protein;

Group II, including claims 50-52, directed to a method of producing a nucleotide sequence;

Group III, including claims 58-69, 70-72, 73-78 and 81, directed to a group of related products (encoding nucleic acids, vectors comprising the nucleic acids, and host cells comprising the nucleic acids) sharing a technical feature (i.e., nucleic acids);

Group IV, including claim 80, directed to a given product (vaccine composition);

Group V, including claim 79, directed to a therapeutic method using a protein product; and

Group VI, including claim 82, directed to a method of stabilizing a gene sequence.

Applicants hereby elect to prosecute the claims of Group I, claims 42-49 and 53-57. This election is made with traverse. Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 58-82 together. Accordingly, Applicants traverse the restriction requirement.

Prior to examination, please amend the subject application as follows:

In the specification:

Please insert the separately numbered Sequence Listing submitted herewith directly after the last page of the specification.

The amendments to the specification are made solely to insert the Sequence Listing.

No new matter is introduced by these amendments.

Sequence Listing

This communication is responsive to the Examiner's request to comply with Sequence Listing Requirements Under 37 C.F.R. §§1.821-1.825. A copy of the Notice to Comply is enclosed.

A Sequence Listing in computer readable form as required by 37 CFR §1.824 is submitted herewith. In addition, applicant submits a Sequence Listing as required under 37 CFR §1.823(a) and a statement under 37 CFR §1.821(b).

I hereby state that this Sequence Listing submission, filed in accordance with 37 CFR §1.821(g), does not contain new matter. Furthermore, as per 37 CFR §1.821(f), I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same and that the sequence listings contain no new matter.

Application No.: 09/269,874

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations.
- [X] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- [X] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- [ ] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- [ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- [ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- [ ] 7. Other: _____

## Applicant Must Provide:

- [X] An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- [X] An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support (SIRA)
Technical Assistance.....703-287-0200
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